

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LARKSPUR SCHOOL DISTRICT AND
MARIN COUNTY MENTAL HEALTH.

OAH CASE NO. 2009010200

ORDER DENYING REQUEST FOR
CONTINUANCE AND ORDER
RESETTING PREHEARING
CONFERENCE DATE

On April 10, 2009, the parties submitted a joint request to vacate the dates in this matter and set a trial setting conference. The parties represented that they had reached an agreement in principle and were going to work towards finalizing the settlement agreement.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) A motion to continue shall include all facts which support a showing of good cause to continue the hearing. (Cal. Code Regs., tit. 1, § 1020.) In considering motions to continue, OAH also may look to the California Rules of Court for guidance. (Cal. Rules of Court, rule 3.1332.)

The Office of Administrative Hearings (OAH) has reviewed the request for good cause and the request for continuance is denied. All hearing dates remain as set.

Here, the parties have not established good cause to vacate the matter and trial setting conferences are set only in unusual cases. The parties have sufficient time to finalize an agreement before hearing. If they are not able to do so, the matter will proceed as scheduled. In order to accommodate settlement discussions, the prehearing conference (PHC) will be reset. Prehearing conference statements are due by noon the day before the PHC. are vacated. This matter will be set for the following dates and times:

Prehearing Conference
Due Process Hearing

April 24, 2009, at 10:30 a.m.
April 27, 2009, to May 1, 2009 (previously set)

IT IS SO ORDERED.

Dated: April 13, 2009

/s/
RICHARD M. CLARK
Administrative Law Judge
Office of Administrative Hearings